

## United States District Court

## Violation Notice

(Rev. 1/2018)

Location Code <b>ST 31</b>	Violation Number <b>9441307</b>	Officer Name (Print) <b>R. Garcia</b>	Officer No. <b>2182</b>
-------------------------------	------------------------------------	--	----------------------------

## YOU ARE CHARGED WITH THE FOLLOWING VIOLATION

Date and Time of Offense <b>10/18/2020 19:30</b>	Offense Charged <b>66822(f)(2) 50CFR 27.61</b>	USC Code <b>16 USC</b>
---	---	---------------------------

Place of Offense <b>Sal del Rey NWR</b>	Offense Description: Factual Basis for Charge <b>HAZMAT</b>
--	--

**Destruction/Removal of Property from NWR**  
**To wit, diggin Rcks, Take wood & Bones.**

DEFENDANT INFORMATION		Phone: _____
Last Name <b>Lcal</b>	First Name <b>Eduardo</b>	M.I. _____
Street Address _____		

City <b>Edinburg</b>	State <b>TX</b>	Zip Code _____	Date of Birth _____
Drivers License No. _____	CDL <input type="checkbox"/> D.L. State <b>TX</b>	Social Security No. _____	

<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Hair <b>Gray</b>	Eyes <b>Green</b>	Height <b>5'11"</b>	Weight <b>175lb</b>
VEHICLE		VIN: <b>N/A</b>	CMV <input type="checkbox"/>		

Tag No. <b>L RX 6096</b>	State <b>TX</b>	Year <b>16</b>	Make/Model <b>Toyota Tacoma</b>	PASS <input type="checkbox"/>	Color <b>White</b>
-----------------------------	--------------------	-------------------	------------------------------------	-------------------------------	-----------------------

<b>APPEARANCE IS REQUIRED</b> A <input type="checkbox"/> If Box A is checked, you must appear in court. See instructions.  <b>PAY THIS AMOUNT AT</b> <a href="http://www.cvb.uscourts.gov">www.cvb.uscourts.gov</a>	<b>APPEARANCE IS OPTIONAL</b> B <input checked="" type="checkbox"/> If Box B is checked, you must pay the total collateral due or in lieu of payment appear in court. See instructions. \$ <b>300</b> Forfeiture Amount + \$30 Processing Fee \$ <b>\$330</b> Total Collateral Due
---	--

YOUR COURT DATE (If no court appearance date is shown, you will be notified of your appearance date by mail.)	
Court Address _____	Date _____
	Time _____

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or in lieu of appearance pay the total collateral due.

X Defendant Signature

Original - CVB Copy



\*9441307\*

STATEMENT OF PROBABLE CAUSE  
(For issuance of an arrest warrant or summons)

I state that on **October 18, 2020** while exercising my duties as a law enforcement officer in the **Southern** District of **Texas**

United States District Court  
Southern District of Texas  
FILED

FEB 11 2021

Nathan Ochser, Clerk

*See Attached*

CVB SCAN 11/16/2020 15:10

The foregoing statement is based upon:

- ☒ my personal observation ☒ my personal investigation  
☐ information supplied to me from my fellow officer's observation  
☐ other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: **10/18/2020**  
 Date (mm/dd/yyyy) Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: \_\_\_\_\_  
 Date (mm/dd/yyyy) U.S. Magistrate Judge

HAZMAT = Hazardous material involved in incident; PASS = 9 or more passenger vehicle;  
 CDL = Commercial drivers license; CMV = Commercial vehicle involved in incident

CVB SCAN 11/16/2020 15:10

CVB SCAN 11/16/2020 15:10

**STATEMENT OF PROBABLE CAUSE**  
**(For issuance of an arrest warrant or summons)**

I state that on **October 18, 2020** while exercising my duties as a law enforcement officer in the Southern District of Texas,

At approximately 10:00 hours while on routine patrol at Sal Del Rey tract located within the boundaries of the Lower Rio Grande Valley National Wildlife Refuge in Hidalgo County, I, Officer R. Garcia observed a white in color Toyota Tacoma (TXLP#LRX6096) parked by the northern gate on Chapa Rd. The north gate at Sal Del Rey NWR is not a visitor entrance to the refuge.

At a later time, at approximately 14:00 hours, I noticed the white Tacoma parked on the same spot with nobody near the vehicle. Due to high weather temperatures, and multiple search & rescues conducted that week, I decided to initiate an internal patrol to make sure visitors were safe while at the refuge. A few minutes later after driving into the refuge on my marked patrol unit, I observed a male subject walking towards my vehicle (26°33'13.10"N; 98°03'13.86"W). The subject was carrying wood in his hands, and what appeared to be a heavy backpack.

I exited my patrol unit and initiated contact with the subject by formally introducing myself and by asking if he was doing ok. The subject stated he was good. I then asked the subject if he was the owner of the white Tacoma and he said yes. I explained to the subject he was parked in front of the gate, on an area that is not designated as a visitor parking lot.

I then proceeded by asking the subject what he was intending to do with the wood he was carrying. Subject stated he was an artist, and that he was going to make some decoration with it. I explained to the subject the rules and regulations pertaining to cutting, digging, collecting and disturbing wildlife while at the refuge. The subject placed the wood on the side of the road and stated he did not know the rules of the refuge.

While the subject was placing the wood on the side of the caliche road, I noticed a feather sticking out of the main compartment on the backpack. I then asked the subject what else he had inside the backpack and he stated personal belongings. I explained to the subject it was a violation of the Migratory Bird Treaty Act to be in possession of migratory bird feathers, and that it was also illegal to collect them from the refuge.

I asked the subject to place the backpack on the ground, and to take everything out of it. I noticed the subject was hesitant about opening the backpack. I proceeded by opening the backpack myself and found more pieces of wood, a green plastic box containing salt from the lake, a digging tool, a total of 31 feathers, 7 smoking pipes, a glass jar containing a green leafy substance that appeared consistent with the look and smell of marijuana, a bottle of prescribed medication, wildlife bones, and some rocks and crystals.

I asked the subject for a valid photo identification. The subject was identified by Texas Department of Public Safety as Eduardo Leal DOB 05271969 DL#04600252. A check for wants and warrants was activated through our South Texas Refuge Complex Telecommunications Center. Leal came back a clear return, showing nothing pending.

Items seized from the incident: Marijuana (total weight: 8.83 grams), 7 smoking pipes, 31 feathers, 1 bird wing, digging tool, black backpack containing a green plastic box with multiple rocks and crystals, wildlife bones, and wood pieces. All items were properly documented and taken to the Santa Ana National Wildlife Refuge evidence room.

CVB SCAN 11/16/2020 15:10

Leal was cited for:

9441309= 16 USC 703 -to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or eggs.

9441307= 16 USC 668dd (f) [(2)] 50 CFR 27.61 Destruction/Removal of property from NWR. To wit, digging salt from lake, take wood, and wildlife bones.

*Leal was issued a written warning:*

004088- 50 CFR 27.82 (b)(2) Possess control substance on NWR. To wit, Marijuana, and paraphernalia.


The foregoing statement is based upon:

☒ : My personal observation ☒ : My personal investigation  
☐ : Information supplied to me from my fellow officer's observation  
☐ : other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation is true and correct to the best of my knowledge.

Executed on :

10/18/2020  
Date (mm/dd/yyyy)

  
Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on:

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
U.S. Magistrate Judge